

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 5583 of 2004

Between:

B.Naresh Kumar, S/o Late B.Appa Rao,
E-85342, Helper of Maddilapalem Depot, R/o D.No.10-12-38, Ramnagar,
Visakhapatnam.

..... PETITIONER

AND

- 1 The A.P.S.R.T.C.rep.by its Managing Director, Musheerabad, Hyderabad.
- 2 The A.P.S.R.T.C., rep.by its Regional Manager, Visakhapatnam Region,
Visakhapatnam,
Visakhapatnam District.
- 3 The A.P.S.R.T.C. rep.by its Depot Manager, Maddilapalem Depot,
Visakhapatnam,
Visakhapatnam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein not considering the case of the petitioner for appointment for Conductor/Cleaner/Shramik or for any suitable post and rejecting his case vide orders in Proc.No.P3/371 (01)/2003-MDP, Maddilapalem dated 03-02-2003 is arbitrary, discrimination, illegal, unjust, arbitrary and against to the well established principles of law and as such liable to be set aside in the interest of justice with a consequential direction to consider the case of the petitioner for any suitable post keeping in view of the circular dated 31-07-2003 forthwith in the interest of justice

.Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondents: MR.Y.VIVEKANANDA SWAMY

The Court made the following :

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ORDER:

The petitioner is the son of late B..Appa Rao,who died while in service of the respondent on 25-4-2001. He is seeking employment under bread winner scheme and accordingly made a representation before the Depot Manager,Maddilapalem Depot,Visakapatnam and the said third respondent forwarded the same to the Regional Manager,Visakapatnam, on 26-6-2001. It is stated that the application has been kept under priority duly registering the said application. But, due to non availability of vacancies, the recruitment process could not be done under bread winner scheme. The mother of the petitioner forwarded another application on 23-3-2003 followed by another application of the petitioner on 24-10-2003 but the same has not been considered.

It is stated that the petitioner and the mother of the petitioner were advised to prefer a claim for sanction of additional monetary benefits in lieu of employment but they have not agreed.

The learned counsel appearing for the petitioner submits that there is a scheme existing for the appointment under the bread winner scheme. The respondents are discriminating the case of the petitioner, while considering the cases of other similar persons.

As the application of the petitioner dated 24-10-2003 is still pending for consideration before the second respondent, it is just and proper for the second respondent to consider the said application in accordance with law.

Accordingly the Writ Petition is disposed of, directing the second respondent to dispose of the representation of petitioner dated 24-3-2004 filed by him for compassionate appointment in view of the circular dated 31-7-2003 and pass appropriate orders in accordance with law within six weeks from the date of receipt of a copy of this order. No order as to costs.

V.Eswaraiah,J

19th August,2004.

Stp/Usd

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Managing Director,A.P.S.R.T.C.,, Musheerabad, Hyderabad.
- 2 The Regional Manager,A..P.S.R.T.C., Visakhapatnam Region, Visakhapatnam, Visakhapatnam District.
- 3 The Depot Manager, A.P.S.R.T.C. , Maddilapalem Depot, Visakhapatnam, Visakhapatnam District.

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THE HON'BLE MR JUSTICE V.ESWARAIAH

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19th August, 2004.